



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the tenant for a Monetary Order for the return of the security deposit and the pet damage deposit (the deposits).

The tenant submitted two signed Proof of Service Tenant's Notice of Direct Request Proceeding forms which declare that on July 9, 2021, the tenant served the landlords the Notices of Dispute Resolution Proceeding - Direct Request. The tenant provided a copy of a photograph showing two envelopes attached to a door and left on a doorstep to confirm this service.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation for the return of a security deposit and a pet damage deposit pursuant to sections 38 and 67 of the *Act*?

Analysis

In this type of matter, the tenant must prove they served the landlords with the Notice of Dispute Resolution Proceeding - Direct Request and all documents in support of the application as indicated on the Notice as per section 89 of the *Act*.

Section 89 of the *Act* does not allow for the Notice of Dispute Resolution Proceeding - Direct Request to be given to the landlord by attaching a copy to a door at the address at which the landlord resides or carries on business as a landlord.

I find that the tenant has served the Notices of Dispute Resolution Proceeding - Direct Request to the landlords' door which is not in accordance with the *Act*.

For this reason, the tenant's application for a Monetary Order for the return of the security deposit and the pet damage deposit is dismissed with leave to reapply.

Conclusion

I dismiss the tenant's application for an Order of Possession and a Monetary Order for unpaid rent with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 14, 2021

Residential Tenancy Branch